



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

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Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTY-FIRST
OMNIBUS OBJECTION OF THE USACM
LIQUIDATING TRUST TO PROOFS OF
CLAIM FOR LACK OF
DOCUMENTATION AS TO CLAIM NO.
10725-01301 FILED BY NORMAN &
CARYN KIVEN JOINT TENANTS ONLY**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twenty-First Omnibus Objection of the USACM
2 Liquidating Trust to Proofs of Claim for Lack of Documentation” [Docket No. 7258] (the
3 “Objection”); with appropriate notice of the Objection having been given at the hearing
4 held on August 21, 2009.

5 On October 19, 2009, the continued hearing on the objection as to Claim number
6 10725-01301 filed by Norman & Caryn Kiven Joint Tenants, came before the Court, no
7 response having been filed by Kiven, and good cause appearing,

8 IT IS **ORDERED** that the Objection to claim number 10725-01301 filed by
9 Norman & Caryn Kiven Joint Tenants, is sustained and the claim is disallowed in its
10 entirety.

11
12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14 By /s/ John Hinderaker (AZ 018024)

15 Rob Charles

16 John Hinderaker (*pro hac vice*)

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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (AZ 018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
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